

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:22-cv-00223-M-KS

LAGENIA SIMMONS,

Plaintiff,

v.

BRUNSWICK COUNTY SCHOOLS,
STEVE BARGER, and STEPHEN
FOSTER,

Defendants.

ORDER

This matter comes before the court on an application to proceed in forma pauperis filed by Plaintiff [DE 1]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Kimberly A. Swank entered a memorandum and recommendation (“M&R”), recommending that Plaintiff’s application to proceed in forma pauperis be denied. DE 4. To date, no objections have been filed.¹


A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial*

¹ Judge Swank issued the M&R on January 17, 2023. Objections were due to be filed on or before February 3, 2023. DE 4.

Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's application to proceed in forma pauperis is DENIED. The Clerk of Court is directed to close this case unless Plaintiff pays the requisite filing fee by February 10, 2023.

SO ORDERED this 9th day of February, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE